

UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION



In the Matter of :  
: :  
COMMONWEALTH EDISON CO., et al. : Docket Nos. 50-237  
: 50-249  
(Amendments to Operating Licenses) : 50-254  
: 50-265

CITIZENS FOR A BETTER ENVIRONMENT  
AND NATURAL RESOURCES DEFENSE COUNCIL  
PETITION FOR LEAVE TO INTERVENE

This is a petition for leave to intervene filed on behalf of Citizens for a Better Environment (CBE) and the Natural Resources Defense Council (NRDC) with respect to the proposed authorization of shipment of spent fuel between and among the three Dresden and two Quad Cities nuclear reactors.

Interest of the Petitioners

Petitioner NRDC is a national environmental organization that has long been concerned with the problems of the proper handling of nuclear wastes, including the handling of spent fuel.<sup>1</sup> Petitioner CBE is an Illinois not-for-profit corporation with its principal place of business in Chicago. It has long been concerned with protection, maintenance, and enhancement of the quality of the human environment. In this connection,

1/ Those interests are detailed in letters and comments filed in conjunction with spent fuel handling and storage policies, copies of which letters and comments are attached.

it has been concerned with the problem of handling, transportation and disposal of nuclear waste and other hazardous and toxic substances.

NRDC has a national membership of approximately 35,000 persons. Among those, 1271 members are located in Illinois and approximately 40 members live within 20 miles of the two reactor sites or along the portion of Interstate Route 80 which connects Morris, Illinois, and Rock Island, Illinois. The NRDC membership is routinely advised of NRDC activities, including activities with respect to spent fuel storage, by publication of a quarterly newsletter, an annual report, periodic dockets and frequent letters. In addition, members concerned with specific issues, such as energy, are selectively contacted by mail or phone on issues where their direct involvement is warranted. NRDC members do not have voting privileges but do express their views in letters. NRDC's nuclear activities are overwhelmingly supported by those members from whom NRDC has received communications. This intervention has been authorized by the Staff and Legal Committee of the NRDC Board of Trustees as part of its general authorization of our efforts to assure a rational approach to the problem of spent fuel storage.

CBE has over 4000 members nationally of which over 3000 live in the vicinity of Chicago, Illinois. Members are advised of the activities of CBE by a monthly newsletter and communicate with CBE approximately once a year. The members spoken to have overwhelmingly supported the nuclear activities of CBE. This legal action was authorized by the President of CBE.

### How Petitioners' Interest Will Be Affected

The interest of the petitioners in appropriate handling of waste management matters will be adversely affected by the proposed action because the proposed action would increase the transportation and handling of spent fuel, thus increasing the danger of the release of dangerous radioactive material and increasing public exposure to radiation, and because the proposed action represents a premature commitment to one form of the handling of spent fuel without adequate consideration of building additional spent fuel storage capacity at the reactor site. Attached to this petition is a study done by the Natural Resources Defense Council indicating that existing nuclear facilities appear to have adequate acreage to accommodate the construction of additional spent fuel storage facilities on site and that it is not necessary for spent fuel to be shipped from the site either to an away-from-reactor storage facility or to another reactor for storage. We are also attaching a copy of comments which NRDC filed in conjunction with the Draft Environmental Impact Statement on Spent Fuel Storage Policy prepared by the Nuclear Regulatory Commission. We believe that until the necessary studies relating to the needs of the entire nuclear industry and to the proper handling of spent fuel have been analyzed in programmatic impact statements now in the process of being prepared both by the Department of Energy and by the Nuclear Regulatory Commission, it would be inappropriate to make commitments to allow spent fuel to be shipped from one reactor

site to another with the attendant increased risk of exposure to radiation. We believe the better course of action is to require the utilities at this time to seek and, if possible, obtain permission to store additional spent fuel at the site of their own reactors and not to consider the shipment of spent fuel beyond the boundaries of the site.

Petitioners have no financial or property interest in the proceeding. The approval of the amendments would subject petitioners and their members to increased health, safety and environmental harms, to the premature commitment to a course of handling spent fuel without adequate consideration of the factors enumerated in sections 102(2)(A)-(C) and (E) of the National Environmental Policy Act, and to selection of a course of action which is less desirable than available options.

Specific Aspects of the Subject Matter  
for Which Intervention is Sought

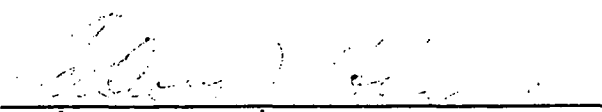
Consistent with our understanding of the Commission's amendment to its regulations, Section 2.714, it is not the purpose of this requirement to set forth contentions. We therefore wish to indicate that we are interested in all of the aspects of the subject matter of the proceeding insofar as they relate to (1) increased transportation of spent fuel off site, (2) safety and environmental hazards created by such increased transportation, (3) availability of technological alternatives without additional transportation of spent fuel

off site, (4) safety and environmental considerations associated with the additional storage of fuel from one reactor at the site of another reactor, including increased chances of handling accidents, as well as increased exposures to workers handling the spent fuel from the time it is removed from the original reactor to the time that it is deposited in the spent fuel pool at the other reactor, and (5) alternatives to the proposed action which will be foreclosed or substantially inhibited by allowing the proposed action to be approved at this time.

#### Conclusion

Petitioners have long been opposed to ad hoc efforts to deal with short-term pressures created by the absence of a permanent nuclear waste storage solution. We believe that the action proposed by licensees here represents a serious danger of inhibiting and biasing the conclusions as to the proper handling of spent fuel and that it will potentially foreclose alternatives that have yet to be adequately investigated and will increase the risk of harm to the human population and the environment without sufficient justification. For these reasons and the reasons contained in the documents attached hereto, we request the petition for leave to intervene be granted.

Respectfully submitted,

  
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CERTIFICATE OF SERVICE

I hereby certify that on September 21, 1978, I mailed copies of CITIZENS FOR A BETTER ENVIRONMENT AND NATURAL RESOURCES DEFENSE COUNCIL PETITION FOR LEAVE TO INTERVENE to:

Secretary of the Commission  
U.S. Nuclear Regulatory Commission  
Washington, D.C. 20555  
Attention: Docketing and Service

Executive Legal Director  
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